

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BMO HARRIS BANK N.A.,

Plaintiff,

vs.

JUST WASTE, INC., JEFF WALTERS,  
and BECKY WALTERS,

Defendants.

**8:20CV22**

**ORDER TO SHOW CAUSE**

This matter comes before the court after a review of the docket and pursuant to NECivR 41.2, which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

This complaint was filed on January 15, 2020. ([Filing No. 1](#)). Plaintiff filed return of service indicating personal service on Defendant Becky Walters on January 17, 2020. ([Filing No. 7](#)). Plaintiff also filed return of service indicating residential service on Defendant Jeff Walters on January 17, 2020, by leaving copies with Becky Walters, Jeff Walters’ spouse. ([Filing No. 6](#)). These defendants have failed to timely answer or otherwise respond to the complaint. Plaintiff has a duty to prosecute the case and may, for example, seek default in accordance with the applicable rules or take other action as appropriate.

In addition, pursuant to the court’s rules, a complaint must be served within 90 days of filing the lawsuit. Plaintiff has not filed a return of service indicating service on Defendant Just Waste, Inc., and Defendant Just Waste, Inc. has not voluntarily appeared.

Accordingly,

IT IS ORDERED that Plaintiff shall have until May 11, 2020 to:

- 1) Show cause why the claims against Defendants Becky Walters and Jeff Walters should not be dismissed pursuant to NECivR 41.2 for want of prosecution. The failure to timely comply with this order may result in dismissal of the claims against Becky Walters and Jeff Walters without further notice.
- 2) Show cause why the claims against Defendant Just Waste, Inc. should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. The failure to timely comply with this order may result in dismissal of the claims against Just Waste, Inc. without further notice.

Dated this 27th day of April, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge